

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

BOBBY MINOR,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-97 (MTT)
)	5:12-CV-289
)	
CARL HUMPHREY, et al.,)	
)	
Defendants.)	
)	

ORDER

Before the Court is the Recommendation of Magistrate Judge Stephen Hyles. (Doc. 167). The Magistrate Judge recommends granting the Defendants' motion to dismiss (Doc. 92) Plaintiff Bobby Minor's complaint¹ because both his Eighth Amendment claim based on the conditions of confinement in the Special Management Unit ("SMU") of the Georgia Diagnostic and Classification Prison ("GDCP") and his Fourteenth Amendment procedural due process claim based on being transferred to the SMU fail to state a claim.² The Plaintiff has not objected to the Recommendation.

¹ The complaint is filed in *Minor v. Humphrey*, 5:12-CV-289, at Doc. 1. This case, along with several others, was consolidated with *Gholston v. Humphrey*, 5:12-CV-97, on November 1, 2012. (Doc. 29).

² In his complaint, the Plaintiff alleges that his personal property was taken at the intake area of the SMU and that he was placed in a disciplinary segregation dormitory – E wing, which is allegedly the most restrictive of six dormitories in the SMU – for 30 days. *Minor*, 5:12-CV-289, Doc. 1 at 2; Doc. 1-1 at 1. However, the Plaintiff does not appear to be asserting a separate Fourteenth Amendment procedural due process claim based on his property confiscation. To the extent the complaint can be read as alleging a separate Fourteenth Amendment claim based on deprivation of personal property, that claim fails because the State of Georgia provides an adequate post-deprivation remedy. See *Johnson v. Owens*, 2014 WL 6620938, at *3 & n.8 (M.D. Ga.).

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Defendants' motion to dismiss (Doc. 92) is **GRANTED** and the Plaintiff's complaint is **DISMISSED without prejudice**.

SO ORDERED, this 10th day of December, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT